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Attorneys for Plaintiff
JASON EVERETT THOMPSON

**IN THE UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA
SANTA ROSA DIVISION**

In re:

DEAN GREGORY ASIMOS,
Debtor.

Case No.: 11-13214-AJ

Chapter 7

Adv. Case No. 14-01018 CN

**JOINT STATUS REPORT AND
STIPULATED MOTION TO
CONTINUE TRIAL DATE**

JASON EVERETT THOMPSON,
Plaintiff,

v.

DEAN GREGORY ASIMOS,
Defendant.

Judge: Hon. Charles Novak

WHEREAS, on August 20, 2014, the Court entered the Scheduling Conference Order and Notice of Trial, which set February 18, 2015 as the initial trial date for this adversary proceeding [A.P. Dkt. No. 17];

WHEREAS, on January 16, 2015, the Court entered the Order Granting Stipulated Motion To Continue Trial Date, which set November 18, 2015 as the trial date for this

1 adversary proceeding and October 16, 2015 as the deadline for all depositions and other
2 discovery [A.P. Dkt. No. 21];

3 WHEREAS, on September 9, 2015, the Court entered the Order Granting Stipulated
4 Motion To Further Continue Trial Date, which set May 18, 2016 as the trial date for this
5 adversary proceeding and April 18, 2016 as the deadline for all depositions and other discovery
6 [A.P. Dkt. No. 23];
7

8 WHEREAS, on February 18, 2016, the Court entered the Order Granting Stipulated
9 Motion To Further Continue Trial Date, which set November 16, 2016 as the trial date for this
10 adversary proceeding and October 17, 2016 as the deadline for all depositions and other
11 discovery [A.P. Dkt. No. 25];
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13 WHEREAS, on September 26, 2016, the Court entered the Order Granting Stipulated
14 Motion To Further Continue Trial Date, which set May 17, 2017 as the trial date (the “Trial
15 Date”) for this adversary proceeding and April 17, 2017 as the deadline for all depositions and
16 other discovery (the “Discovery Deadline”) [A.P. Dkt. No. 27];
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18 WHEREAS, on March 19, 2017, the Court entered the Order Granting Stipulated
19 Motion To Further Continue Trial Date, which set February 21, 2018 as the trial date (the “Trial
20 Date”) for this adversary proceeding and January 22, 2018 as the deadline for all depositions
21 and other discovery (the “Discovery Deadline”) [A.P. Dkt. No. 30];
22

23 WHEREAS, On February 13, 2018, the Court entered the Order Granting Continuance
24 of the hearing on the Stipulated Motion to Further Continue Trial Date and Status Conference
25 which was set for October 17, 2018 [A.P. Dkt. No. 38];
26

27 WHEREAS, the Order Granting Stipulated Motion To Further Continue Trial Date was
28 entered as a result of debtor Dean Gregory Asimos’ appeal in the California Court of Appeal,
First Appellate District (Court of Appeal Case No. A140096) (the “First Appeal”) remaining

1 unresolved;

2 WHEREAS, the debtor Dean Gregory Asimos filed a second appeal in the California
3 Court of Appeal, First Appellate District (Court of Appeal Case No. A147960) (the “Second
4 Appeal”) arising out of the same trial court action, wherein he has appealed the Order Granting
5 Motion For Attorneys’ Fees And Costs Following Judgment Of Contempt, entered by the San
6 Francisco Superior Court (Case No. CGC-11-514980) on February 4, 2016;

7
8 WHEREAS, on December 15, 2016, the California Court of Appeal filed its decision in
9 the First Appeal, which, among other things, remanded the case to the trial court for a further
10 determination on damages;

11 WHEREAS, on February 22, 2017, the California Court of Appeal issued its remittitur
12 in the First Appeal and the decision of the Court became final, thereby restoring the trial court’s
13 jurisdiction over the matter such that it shall, on remand, render a further determination on
14 damages as well as hear further motions filed by the parties in connection therewith;

15
16 WHEREAS, on June 7, 2017, the trial court granted in-substantial-part, plaintiff Jason
17 Everett Thompson’s Motion for Attorney’s Fees in the First Appeal and denied defendant Dean
18 Gregory Asimos’ Motion for Attorney’s Fees in the First Appeal;

19
20 WHEREAS, On September 5, 2018 the California Court of Appeal filed its decision on
21 the Second Appeal which affirmed the Trial Court’s February 24, 2016 Order;

22 WHEREAS, the parties are still awaiting issuance of the Remittitur in the Second
23 Appeal, at which time further court proceedings will be required to set the amount of attorneys’
24 fees and costs to be awarded to plaintiff Jason Everett Thompson;

25
26 WHEREAS, On September 13, 2018, the Court continued the hearing on the Stipulated
27 Motion To Continue Trial Date and Status Conference, which was set for October 17, 2018, to
28 November 7, 2018;

1 WHEREAS, counsel for Mr. Thompson is scheduled as lead counsel for a 7-day AAA
2 binding arbitration scheduled to commence on November 6, 2018 and will be unavailable for
3 the continued hearing scheduled for November 7, 2018;

4 WHEREAS, the parties request that the Trial Date and associated dates be set no sooner
5 than August 15, 2019 in order to allow sufficient time for the Court of Appeal to issue its
6 Remittitur and the attorneys' fees motions to be heard in the trial court;
7

8 WHEREAS, counsel for plaintiff Jason Everett Thompson request that the November 7,
9 2018 hearing be continued to a date after November 19, 2018 if the Court requires appearance
10 of the parties at this time;

11 WHEREAS, plaintiff Jason Everett Thompson's adversary complaint seeks a
12 determination of nondischargeability of certain debts included in the Superior Court judgment,
13 in whole or in part, under 11 U.S.C. § 523(a)(6), which remains subject to debtor Dean Gregory
14 Asimos' appeal and the damages determination to made on remand, thus rendering the
15 decisions of the Court of Appeal and the trial court essential to determining whether there is any
16 potentially dischargeable debt involved in this adversary proceeding;
17

18 WHEREAS, proceeding to trial prior to resolution of the matters before the California
19 Court of Appeal and the Superior Court would produce potentially duplicitous and unnecessary
20 litigation, thereby wasting judicial resources;
21

22 NOW THEREFORE, the undersigned parties hereby stipulate to the foregoing recitals
23 and respectfully request that the Trial Date and related discovery and briefing deadlines be
24 further continued until August 15, 2019 in order to allow additional time for the Remittitur to be
25 issued by the California Court of Appeal in the Second Appeal and the post-appeal attorneys'
26 fees motion to be heard by the trial court.
27
28

1 DATED: November 2, 2018

2 KYLE LAW CORPORATION

3
4 By /s/ Stephan E. Kyle
5 Stephan E. Kyle, Esq.
6 Attorneys for Jason Everett Thompson

7 DATED: November 2, 2018

8 SAGARIA LAW, P.C.

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10
11 By /s/ Joseph Angelo
12 Joseph Angelo, Esq.
13 Attorneys for Dean Gregory Asimos
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